

§ 954. Transshipment and in-transit shipment of controlled substances

Notwithstanding sections 952, 953, and 957 of this title—

(1) A controlled substance in schedule I may—

(A) be imported into the United States for transshipment to another country, or

(B) be transferred or transshipped from one vessel, vehicle, or aircraft to another vessel, vehicle, or aircraft within the United States for immediate exportation,

if and only if it is so imported, transferred, or transshipped (i) for scientific, medical, or other legitimate purposes in the country of destination, and (ii) with the prior written approval of the Attorney General (which shall be granted or denied within 21 days of the request).

(2) A controlled substance in schedule II, III, or IV may be so imported, transferred, or transshipped if and only if advance notice is given to the Attorney General in accordance with regulations of the Attorney General.

(Pub. L. 91-513, title III, §1004, Oct. 27, 1970, 84 Stat. 1287.)

REFERENCES IN TEXT

Schedules I, II, III, and IV, referred to in text, are set out in section 812(c) of this title.

EFFECTIVE DATE

Section effective on first day of seventh calendar month that begins after Oct. 26, 1970, see 1105(a) of Pub. L. 91-513, set out as a under section 951 of this title.

§ 955. Possession on board vessels, etc., arriving in or departing from United States

It shall be unlawful for any person to bring or possess on board any vessel or aircraft, or on board any vehicle of a carrier, arriving in or departing from the United States or the customs territory of the United States, a controlled substance in schedule I or II or a narcotic drug in schedule III or IV, unless such substance or drug is a part of the cargo entered in the manifest or part of the official supplies of the vessel, aircraft, or vehicle.

(Pub. L. 91-513, title III, §1005, Oct. 27, 1970, 84 Stat. 1287.)

REFERENCES IN TEXT

Schedules I, II, III, and IV, referred to in text, are set out in section 812(c) of this title.

EFFECTIVE DATE

Section effective on first day of seventh calendar month that begins after Oct. 26, 1970, see 1105(a) of Pub. L. 91-513, set out as a under section 951 of this title.

§§ 955a to 955d. Transferred

CODIFICATION

Sections, Pub. L. 96-350, §§1-4, Sept. 15, 1980, 94 Stat. 1159, 1160, relating to maritime drug law enforcement, were transferred to sections 1901 to 1904 of the former Appendix to Title 46, Shipping. Sections 1901 to 1904 of the former Appendix to Title 46 were repealed and restated in chapter 705 of Title 46, Shipping, by Pub. L. 109-304, §§10(2), 19, Oct. 6, 2006, 120 Stat. 1683, 1710. For disposition of sections of the former Appendix to Title

46, see Disposition Table preceding section 101 of Title 46.

§ 956. Exemption authority

(a) Individual possessing controlled substance

(1) Subject to paragraph (2), the Attorney General may by regulation exempt from sections 952(a) and (b), 953, 954, and 955 of this title any individual who has a controlled substance (except a substance in schedule I) in his possession for his personal medical use, or for administration to an animal accompanying him, if he lawfully obtained such substance and he makes such declaration (or gives such other notification) as the Attorney General may by regulation require.

(2) Notwithstanding any exemption under paragraph (1), a United States resident who enters the United States through an international land border with a controlled substance (except a substance in schedule I) for which the individual does not possess a valid prescription issued by a practitioner (as defined in section 802 of this title) in accordance with applicable Federal and State law (or documentation that verifies the issuance of such a prescription to that individual) may not import the controlled substance into the United States in an amount that exceeds 50 dosage units of the controlled substance.

(b) Compound, mixture, or preparation

The Attorney General may by regulation except any compound, mixture, or preparation containing any depressant or stimulant substance listed in paragraph (a) or (b) of schedule III or in schedule IV or V from the application of all or any part of this subchapter if (1) the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system, and (2) such ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a depressant or stimulant effect on the central nervous system.

(Pub. L. 91-513, title III, §1006, Oct. 27, 1970, 84 Stat. 1288; Pub. L. 105-277, div. C, title VIII, §872(a), Oct. 21, 1998, 112 Stat. 2681-707; Pub. L. 105-357, §2(a), Nov. 10, 1998, 112 Stat. 3271.)

REFERENCES IN TEXT

Schedules I, III, IV, and V, referred to in text, are set out in section 812(c) of this title.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277 and Pub. L. 105-357 amended subsec. (a) identically, designating existing provisions as par. (1), substituting “Subject to paragraph (2), the Attorney General” for “The Attorney General”, and adding par. (2).

FEDERAL MINIMUM REQUIREMENT

Pub. L. 105-357, §2(b), Nov. 10, 1998, 112 Stat. 3271, provided that: “Section 1006(a)(2) of the Controlled Substances Import and Export Act [21 U.S.C. 956(a)(2)], as added by this section, is a minimum Federal requirement and shall not be construed to limit a State from imposing any additional requirement.”

Pub. L. 105-277, div. C, title VIII, §872(b), Oct. 21, 1998, 112 Stat. 2681-707, enacted a provision substantially